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The Men of Churubusco.

BY C. F. HOFFMAN.

They'll point them out in after years—
The men of Churubusco fight!
And tender hearts will name with tears
The gallant spirits quenched at night,
When each who under Winfield fought,
And kept the field alive,
Was equal, in the deeds he wrought,
To any common five;
They'll point them out, those veterans then,
As far beyond all common men,
And each to each, with stern delight,
Will name the Churubusco fight.

They'll sing their praise when they're no more,
The men of Churubusco fight!
And when their latest march is o'er—
As one by one is lost to sight—
The girls will beg his friends to spare,
From off that hoary brow,
A shred but of the scattered hair
Which waves so richly now;
And loiterers by the inn-side hearth
Will pause amid the tavern mirth;
And, filling, fear since he has passed,
They'll drink "to Churubusco's last!"

They'll paint their deeds in statued hall—
The deeds of Churubusco fight!
And on the smoke-dried cottage wall
Will smile their pictures, brave and bright;
Who fought with stalwart Scott of yore,
That storied field to win—
When every warrior bosom bore
Five hero hearts within;
They'll legends tell of heroes then,
Far, far beyond all modern men;
And still in song will grow more bright
The deeds of Churubusco fight.

From the New York Observer.

The Babie.

Nae shoon to hide her tiny tae,
Nae stockin on her feet;
Her supple ankles white as snaw,
Or early blossoms sweet.

Her simple dress of sprinkled pink,
Her double, dimpled chin;
Her puckered lips an' balmy mou,
With na' one tooth within.

Her een sae like her mither's een,
Twa gentle, liquid things;
Her face—'tis like an angel's face;—
We're glad she has nae wings.

She is the budding of our love,
A giftie God gied us;
We mann na love the gift ow'r weel—
'Twad be nae blessing thus.

T. CORBEN.

General Pierce's "Negative Strength."

We have been somewhat amused by the parade making in the Locofoco journals, in regard to what they call very humorously the "negative strength" of their Presidential candidate. This seems to us very much as if we should praise a woman for her "negative beauty"—or a tradesman for his "negative honesty." And yet there is a curious felicity in this phrase as applied to General Pierce. His whole career, civil and political, is made up of negatives of the most extraordinary character; and its strength, therefore, if it is not negative, is nothing.

Mr. Pierce is a very clever gentleman, but what he has done in this world to occupy eight mortal columns of the newspapers, with broad columns and small type, his best friends will be the most puzzled to answer. We have read the whole eight columns, as they appeared originally in the Boston *Post*, and have been copied into the Washington *Union*. We have read them with amazement. His worst enemies could not have wished for a more opportune or fatal publication.

Three columns of the eight are devoted to the connexion of General Pierce with the Mexican war. This is simply ludicrous. We had hoped for the sake of an amiable man that his friends would not seek to make a hero or a soldier of him. General Pierce knows as well as any one how little he deserves such a reputation. From the first moment he landed in Mexico, General Pierce relied entirely on the advice and directions of the young officers of the regular army, who were in his staff, or within his reach. He never hesitated to avow his entire ignorance of military affairs, and his absolute unfitness for his new employment and in this he showed much more good sense than his friends do in claiming a military character for him. We have have no doubt that he is a brave man, but he possesses no military aptitude; and he resigned his commission the first moment he could do it with propriety, avowing than he had mistaken his vocation. It may well be said that he would have distinguished himself by his gallantry, if he had been favored with an occasion; but a succession of accidents and misfortunes withdrew him from the field on several critical moments, just as the time arrived for winning laurels

But the difficulty in General Pierce's case is more deeply seated than this. It is not merely that his military character is one of exclusively "negative strength," but his civil career is equally remarkable in his regard. He was some years in the New Hampshire legislature, and it is not pretended that he accomplished anything worthy of mention in that interesting assembly.

As a member of the House of Representatives of the United States in June, 1836, he voted *against* the bill "making additional appropriations for the Delaware breakwater, and for certain harbors, removing obstructions in and at the mouths of certain rivers, and for other purposes, for the year 1836." It cannot be claimed that he rendered any particular service by this vote, for the bill was passed, and a few days afterwards received the signature of General Jackson.

At the same session Mr. Pierce voted *against* the bill "making appropriations for the improvement of certain harbors therein mentioned." This was a "negative," but not a very effective one; for this bill, in spite of Mr. Pierce's negation passed both Houses of Congress, and was signed by General Jackson.

At the same session he voted *against* the bill to continue the Cumberland road in the States of *Ohio, Indiana* and *Illinois*." This vote, too, was of as little consequence as any thing that ever happened to Mr. TOOTS. The bill received a majority of votes in both branches of the legislature, and received the signature of General JACKSON.

These are the prominent points of his career in the House. As far as the country is concerned, it was certainly of no "consequence." We do not think that these votes call very loudly on the American people to make him President.

We next find him in the Senate; In the session of 1837–'38, he voted *against* a Harbor and River bill that was voted for by Mr. Wright and Mr. Buchanan. But in this case, also, his vote was of no sort of "consequence." At the same session he voted, in a *minority of six against* a bill for the benefit of the Alabama, Florida and Georgia Railroad Company; which was a measure of such a charcter that even Mr. Calhoun and Mr. Grundy voted for it; in such a minority, of course, his vote was of as little consequence as usual.

At the same session a bill was before the Senate for the "benefit of the Mount Carmel and New Albany Railroad Company, in the State of Indiana," providing for a grant of alternate sections along the road, the company contracting *to carry the mail for twenty years without charge to the Government*; which would pay the Government at the rate of one dollar and six cents for each acre granted. Mr. Clay and Mr. Webster voted for this bill. Mr. Pierce, true to his anti-improvement interests, voted with the minority against it.

Whilst in the Senate, he voted and made a speech *against* the bill for the relief of the widow of the lamented General Harrison. But here too, the vote of Mr. Pierce was entirely inconsequental. The bill became a law; and the widow received the poor pittance which Mr Pierce would have withheld, and which was but a slight token of a nation's gratitude for the services of one of her most illustrious sons.

Here it was, too, that he took part against the bill for the relief of the heirs of Robert Fulton; a bill that was afterwards passed by a Democratic Congress, and was approved without hesitation by President Polk.

Here it was, too, that he voted in a minority of *four* Senators against the Fortification bill.

Nor should we omit to mention, that during his Congressional career he made a speech *against* the West Point Academy, though it is true that *after* the Mexican war he retracted his opinions, and testified to the great importance of that institution in enabling us to achieve our Mexican victories.

Subsequently to all this he *resigned* his seat in the Senate. We do not seek to deprive him of all the "negative strength" he can derive from this circumstance.

Still subsequently, he declined to serve his country again in the capacity of Senator, on the invitation of Governor Steele.

Still subsequently, he added to his "negative strength" by declining to serve his country in the capacity of Attorney General, on his appointment to that office by President Polk.

Afterwards, as a member of the New Hampshire convention for the amendment of the State constitution, he took an active part in favor of abolishing the religious test which had so long disgraced his State. Singularly enough, his friends claim great distinction for him because he was in favor of religious toleration. As if every one were not in favor of religious toleration in these days, except a few bigots in a benighted State like New Hampshire. We should as soon think of claiming merit for a man because he was not an habitual violator of the decalogue. But here, again, the generally inconsequential character of Mr. Pierce's votes and speeches is singularly illustrated. The constitution by which religious tests were abolished, was not adopted by the People. It is indeed odd to see how uniformly unavailing all Mr. Pierce's efforts have been in the way of legislative, military, and constitutional improvement. We doubt if there is a public man of any note in the country, who has spoken, voted, and fought, to so little practical purpose.

In thus reviewing the career of General Pierce, we do him no intentional injustice. We are merely developing and illustrating the idea of his "negative strength"—the philosophy of which is that the man who has done the least for his country is the most eminently entitled to her honors and rewards. We are not of this opinion. We think that a little affirmative strength will be useful, if not absolutely necessary, in commending a general or a statesman to the confidence and consideration of his country.—*The Signal.*

The Tomato.

Professor Rafinesque, of France, says of this vegetable, "it is deemed very healty, and an invaluable article of food."

Dunglison says:—"It may be looked upon as one of the most wholesome and valuable sculents that belong to the vegetable kingdom."

A writer in the Farmer's Register says:—"It has been tried by several persons with decided success. They were afflicted with chronic cough, the primary cause of which, in one case, was supposed to be diseased liver, in another, diseased lungs. It mitigates and sometimes effectually checks a fit of coughing."

The method most commonly adopted in preparing this fruit for daily use, is to cut them in slices, and serve with salt, pepper, and vinegar as you do cucumbers.

To stew them, remove them ripe from the vines, slice up, and put them in a pot over the stove or fire, without water. Stew them slowly, and when done, put in a small piece of good butter, and eat them as you do apple-sauce. Some add a little flour bread, finely crumbed, or a couple of crackers pulverized.

Jessie, the Flower of Dunblane.

The following sketch forms an interesting episode in the life of the talented, but unfortunate, Scottish poet, Tannahill. There are few of our readers, we suppose, but are familiar with the beautiful poem, and the delightful music, of "Jessie, the Flower of Dunblane."

The fair object of this song was a bonnie lassie in Dunblane. Her family were of poor extraction, and Jessie herself was contented with a peasant's lot. When Tannahill became acquainted with her, she was in her "teens," a slight, dimple-cheeked, happy lassie; her hair yellow colored and luxuriant; her eyes large and full, overflowing with the voluptuous languor which is so becoming in young blue eyes with golden lashes. Tannahill was struck with her beauty, and as in all things he was enthusiastical, became forthwith her ardent worshipper. But her heart was not to be won. Young, thoughtless, and panting to know and see the world, she left her poor amourante "to con songs to his mistress' eyebrows," while she recklessly rambled along the flowery meads of Dunblane, or of an evening sang his inspired verses to him with the most mortifying *nonchalance*. This was a two-fold misery to the sensitive poet. A creature so sweetly elegant, so dear to him, so very lovely and innocent, and yet, withal, so encased in insensibility, as apparently to be neither conscious of the beauty of the verses trembling on her dulcet tongue, nor caring for the caresses of her lover. 'Twas too much; to mark all this, and feel it with the feeling of a poet was the acme of misery. But the "Flower of Dunblane" was not that unfeeling, unimaginative being which Tannahill pictured her. She was a creature all feeling, all imagination, although the bard had not that in his person or manners to engage her attention or to arrest her fancy. The young affections are not to be controlled. Love—almighty love—must be free, else it ceases to be love.

Tannahill was plain in his person and uncouth in his manners, and felt and expressed discontent at the cruel disappointment which it had been his fate almost invariably to encounter. Jessie, on the contrary, looked upon the world as a brilliant spectacle yet to be seen and enjoyed—as a vast paradise full of the beauty of heaven and of earth, where men walked forth in the image of their creator, invested with his attributes, and woman trod proudly amidst the lovely creation, as an angel venerated and adored. To express dissatisfaction under all these circumstances was, to her mind, the extravagance of a misanthrope, the madness of a real lover of misery, and sufficient cause for her not to respect him. Both viewed the world through a false medium, and their deductions, although at variance, gave color to their minds and accelerated their fate. Jessie could not comprehend what appeared to her the folly of her suitor. She relished not his sickly sentiment, and, as all womankind ever did and do, she scorned a cooing lover. The bard was driven to despair, and summoning up an unwonted energy of mind, departed, and left his adored to her youthful aberations. Soon after this period the song of "Jessie, the Flower of Dunblane," together with the music, was published and became a public favorite; it was sung everywhere, in theatres and at parties; a world of praise was showered upon it from woman's flattering lips, and men became mad to know the adored subject of the lay. In a short period it was discovered. Jessie Monteith, the pretty peasant of Dunblane, was the favored one.

From all quarters young men and bachelors flocked to see her, and her own sex were curious and critical. Many promising youths paid their addresses to her, and experienced the same reception as her first lover. Nevertheless, poor Jessie became really enamoured. A rakish spark from Midlothians, adorned with education, being of polished manners, and confident from wealth and superiority of rank, gained her young affections. She too credulously trusted in his unhallowed professions. The ardor of first love overcame her better judgment, and, abandoning herself to her love-passion, she made an imprudent escape from the protection of her parents, and soon found herself in elegant apartments near the city of Edinburgh. The song of neglected Tannahill was to his Jessie both a glory and a curse; while it brought her into notice and enchanted her beauty, it laid the foundation of her final destruction. Popularity is a dangerous elevation, whether the object of it be a peasant or a prince; temptations crowd around it, and snares are laid on every hand. "Who would be eminent," said a distinguished child of popularity," if they knew the peril, the madness, and distraction of mind to which the creature of the popular breath is exposed?" When the poet heard the fate of his beloved Jessie, his heart almost burst with mental agony, and, working himself into the enthusiastic frenzy of inspiration, poured fourth a torrent of song, more glowing and energetic than ever before dropt in burning accents from his tongue. It is to lamented, that in a fit of disgust he afterwards destroyed those poetic records of his passion and his resentment.

Ere three years had revolved their triple circuit after Jessie left her father's home, she was a changed woman. She was destitute in her splendid habitation. Her blue eyes looked pitiful on all things around her; the oval cheeks were indented by the hand of misery, and the face and person presented the picture of an unhappy, but amiable being. How changed was the figure clothed in silk, which moved on the banks of the Forth, from the happy, lively girl in Dunblane, dressed in the rustic garb of a peasant! But this is a subject too painful to dwell on: let us hasten to the catastrophe. It was on an afternoon in July, a beautiful sunny afternoon, the air was calm and pure. The twin islands of the Forth, like vast emeralds set in a lake of silver, rose splendidly over the shining water, which now and then gurgled and mantled their bases. Fifeshire was spread forth like a map, her hundreds of inland villages and cots tranquilly sleeping in the sunshine. The den of the artizan's hammers in Kirkaldy and Queensferry smote the still air; and Dunfermline's aproned inhabitants scattered forth their whitened webs beneath the noontide sun. On the opposite shore, Leith disgorged her black smoke, which rolled slowly in volumes to the sea. Edinburgh castle, like a mighty spirit from the "vasty deep," reared her gray bulwarks high in air; and Arthur's seat rose hugely and darkly in the back ground. The chorusses of fisherman, like hymns to the great spirit of the waters, ascended over Newhaven; and down from Grangemouth, lightly booming o'er the tide, floated the tall bark. The world seemed steeped in happiness.

But there was one—a wandering one; an outcast—wretched and despairing, amidst all its loveliness; her bosom was cold and dark, no ray could penetrate its depths; the sun shone not for her, nor did nature smile around but to inflict a more exqnisite pang on the unfortunate. Her steps were broken and hurried. She now approached the water's edge, and then receded.—No human creature was near to disturb her purpose—all was quietness and privacy; but there was an eye from above that watched all. Jessie Monteith—how mournful sounds that name at such a crisis. But Jessie set herself down, and removing a shawl and bonnet from her person, and taking a string of pearl from her marble-seeming neck, and a gold ring, which she kissed eagerly, from her taper finger, she cast up her streaming eyes, meekly imploring the forgiveness of heaven on him, the cause of her shame and death. Scarce offering a prayer for herself, she breathed forth the names of her disconsolate parents, and ere the eye could follow her, she disappeared in the pure stream. The sun shone on, the green of the earth stirred not a leaf; a bell did not toll; nor did a sigh escape the lips of one human being, and yet the spirit of the loveliest of women passed to eternity.

Portraits at Saratoga.

While promenading the spacious piazza of the U. S. Hotel at Saratoga, a few days ago, Mr. HOLLAND, one of the editors of the Springfield *Republican*, sketched the following graphic and life-like portraits of some of the celebrities in the world of literature and fashion, who chanced to be present there:

Here comes a solid looking fellow, with a grey head, and a physiognomy well stocked with good sense, and spiced with a quiet, lurking humor. Mark his coat, and you will see that he affects the olden time, for it has huge pocket lids behind.

He's a keen old stager—that Frank Granger.

Here trips past us a little fellow of some fifteen summers, dressed in a velvet tunic, and a rich blue velvet cap, with a dainty little walking stick in his hands. Watch him as he goes amongst the ladies—they can hardly keep their hands off of him. Caressed, petted, spoiled Julien, the best violinist of his age in the world.

Who is that pale gentleman lying upon a sofa, that looks out upon this beautiful and animated scene. The fingers that lie upon the windows are thin and long. The eye that burns amid the ashes of a wasting nature enjoys with keen appreciation those beautiful trees, the various forms of life that rejoice beneath them, and the sweet sunlight that here and there plants its silvery footsteps upon the emerald sward. That is Osgood, the artist. The Chagres fever has done harsh work with his sensitive frame, and the grief of a spirit bereft of one of the most lovely and graceful immages that ever sat upon the throne of a man's tenderness, has bowed down his sensitive mind. Who doubts that, if spirits ever visit the friends they leave behind them, *her* spirit is here—fanning the fevered brow of the loved one, and whispering in his ear those harmonies which found in her so sweet an interpreter, when she was with him, a loving and a substantial vision.

We turn our eyes, and what a change! Do you see that old gentleman, with hair the whitest that you ever saw, and face the ruddiest and healthiest, and dress the newest and most *recherehe*, and a step the most daintily lofty? In one hand he carries his hat—the crown being upwards—on the opposite arm he carries a lady,—young, beautiful, magnificiently dressed, and evidently delighted with her aged companion's flatteries. That is "Lord Willoughby," as he is called, of Brooklyn. He is a beau—a magnificent beau—and he has been one from time immemorial. With wealth to back him, and nothing to do, the watering-places "know him like a book," and he flirts away his time and himself in employments "more ornamental than useful."

A medium-sized old gentleman with a feeble voice—or a cracked voice—there is no character in it—sits talking with a friend, and the friend listens with deep respect to every word. You see gentlemen walking, as we are, purposely down the piazza to look at him—carelessly, of course, and with no apparent rudeness. You study his features, but you find nothing remarkable in them. He is a plainly dressed, plain, sober-looking old man, without a look above respectable mediocrity, and you are surprised to hear that you have been looking at the author of the Sketch Book, Washington Irving.

"They say Ik. Marvel is here," says a gentleman to me.—"Should you know him were you to see him? Will you point him out to me?" As this gentleman feels, so feel all. I doubt if there is a man here in regard to whom there is such an intense feeling of curiosity. The ladies would give anything to be introduced, and the gentlemen probably hope they will be disappointed.—But here comes the object of our thoughts in an unconscious saunter, dressed in a light, plain summer rig, and all unmindful of the heart itching that is felt on every side in his behalf. An acquaintance takes his cordial hand and tells him that he is bound for Sharon Springs, that he only stops at Saratoga for the night, and, as some tall whiskerando looks at him askance, as if about to swallow him, he bids his friend good evening and we pass on.

A sweeping skirt goes by. The air makes way for the lady that carries it—hats come off, and very genteel bows are made, and all is fuss and obeisance. After gathering your breath, you enquire who it is that thus starts up fashionable life in her walks, and learn that it is Madame Rush, the "Queen of Philadelphia," a lady of immense wealth and intense fashion.

You pass the window of the magnificent ladies' parlor. You are attracted thither by a splendid piano playing. The large saloon, flashing in glass and gold, is full, and you get a look at the player who has drawn so many together, and recognize your old acquaintance, Alfred Jaell. A private purse has placed him at the piano, and he gives a concert to those who do not know to whom they are indebted for it.

New York Correspondence.

This is a regular dog day; wet, sticky and close. I feel about as much like writing as a dromedary does like dancing. My blood and brains are in a very promising condition—for the night mare! and the ideas flow about as reluctantly, as drops from a well-wrung disheloth. This is not an elegant and *Willisian* way of expressing the constipated condition of my immortal part this morning, but it is as true as woman. Possibly you may have had some experience of this feeling when you have sat down and, with an imperitive call for "editorial," striven to grind out a leader "that would do." I am not as much troubled in these days in that way as I used to be when editor of of a Daily paper, I was expected to grind out from my "organ" all sorts of airs.

"From gay to grave, from lively to severe," without that blessed privilege poorly accorded to itinerant musicians of repeating the same old tune over and over again, but even my weekly letter to you must often indicate either the vacuity or stolidity of my now aching pate. How few readers have any conception of the labor of editors and authors! If a paragraph reads smoothly, they think it must have been produced as easily as shaving from a fore-plane. Take Willis for instance: how flowingly, like a julep through a straw, his cool and sparkling paragraphs glide through the meadowy margins of the magazines! Yet no man knows "the contortions of the sibyl" more intimately than Nathaniel. And that mottled and glistening idea, shooting down that rivulet of print, as delectable as a fine trout in its native brook, was just now flapping helplessly on the pebbly shore of Castaly where it was spawned. That pun of his—like "dainty Ariel" light as air, yet perfect in all its parts—think you it sprang impromptu from his prolific brain like Minerva from the head of Jove? The chances are that it was wrought out and almost painfully elaborated. Willis does a great many of these in cold blood, and will have much to answer for. Why in the world don't he write something substantial? In his line, no living writer can approach him; but will he forever stick to the mental confectionary business, and never rise above the manufacture of these whips, ice-creams, and Roman punches of the brain? Willis is growing gray, and it is time that instead of decanting his attic champaign in the Kentucky Cave, he should take the light of religion and search through the hollows of his own heart for a little gravity to cultivate and lean on in his old age. His letters from the West Indies are capital specimens of his style, and many of the descriptions are at once graphic and racy, still it is a babbling brook which his genius flicks upon, not rivers of intellect like Shakespere, Bacon, Cowper, Wordsworth, Southey, Shelley and Scott.

By the way, in one of his recent very amusing letters, Willis describes Martinique as on a side hill, at the summit of which is a fountain or basin of water (made many years ago at large expense) from which flow numerous streams down the declivitous streets—a rivulet down the middle gutter of every thoroughfare. He is delighted with this arrangement, as it not only serves to carry off the garbage and filth cast out by the residents but allows a first rate water-privilege to the washerwomen, a place to bathe in, water horses, and obtain a drink. It occurred to me while reading it, that the attractiveness of the rivulets he so glowingly describes must be (to a person at all particular on the score of cleanliness) all the greater the nearer it was to the top of the hill. At all events, I am quite as well satisfied to have our Croton conveyed under ground.

Men, that would not go a mile to save Kaine from the gallows, make a vast deal of bluster in regard to his extradition. At the same time that we may be reasonably opposed to foreign influence, we ought to spurn the idea of having our country a sanctuary for the felons of Great Britain.

A family, in this quarter, who have freed the alarm which they once owned in the South, and therefore have no necessary motive for defending slavery, say that Mrs. Stowe has made very unfair specimens of Southern life, in her work called "Uncle Tom's Cabin."

Rowdyism prevails in this city, with the countenance and connivance of the aldermen who make friends with the rascals arrested, and secure their aid at the polls (beating off opposing votes) setting them at liberty. Excuse me if I should be absent a week or two from my post.

By the President of the United States of America.

A PROCLAMATION.

Whereas, a Treaty of Friendship, Commerce, and Navigation, between the United States of America and the Republic of Peru, was concluded and signed a Lima, on the twenty-sixth day of July, one thousand eight hundred and fifty-one, which treaty, being in the English and Spanish languages, is word for word as follows:

The United States of America and the republic of Peru, being equally animated with the desire to render firm and permanent the peace and friendship which have always so happily subsisted between them, and to place their commercial relations upon the most liberal basis, have resolved to fix clear and precise rules which shall in future be religiously observed between the two nations by means of a treaty of friendship, commerce, and navigation.

To attain this desirable object the President of the United States of America has conferred full powers on John Randolph Clay, the accredited charge d' affaires of the said States to the Government of Peru, and the President of the republic of Peru has conferred like full powers on Brigadier Gen. Don Juan Crisostomo Torrico, Minister of War and the Marine, Minister of Foreign Affairs, *ad interim*, &c., who, after exchanging their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

There shall be perfect and perpetual peace and friendship between the United States of America and the republic of Peru, and between their respective territories, people, and citizens, without distinction of persons or places.

ARTICLE II.

The United States of America and the republic of Peru mutually agree that there shall be reciprocal liberty of commerce and navigation between their respective territories and citizens; the citizens of either republic may frequent with their vessels all the coasts, ports, and places of the other, whatever foreign commerce is permitted, and reside in all parts of the territory of either, and occupied dwellings and ware-houses; and every thing belonging thereto shall be respected, and shall not be subjected to any arbitrary visits or search. The said citizens shall have full liberty to trade in all parts of the territories of either according to the rules established by the respective regulations of commerce, in all kinds of goods, merchandize, manufactures, and produce not prohibited to all, and to open retail stores and shops, under the same municipal and police regulations as native citizens; and they shall not in this respect be liable to any other or higher taxes or impost than those which are or may be paid by native citizens. No examination or inspection of their books, papers, or accounts, shall be made without the legal order of a competent tribunal or judge.

The citizens of either country shall also have the unrestrained right to travel in any part of the possessions of other, and shall in all cases enjoy the same security and protection as the natives of the country wherein they reside on condition of their submitting to the law and ordinances there prevailing; they shall not be called upon for any forced loan or occasional contribution, nor shall they be liable to any embargo, or to be detained with their vessels, cargoes, merchandize, goods, or effects for any military expedition or for any public purposes whatsoever, without being allowed therefor a full and sufficient indemnification, which shall in all cases be agreed upon and paid in advance.

ARTICLE III.

The two high contracting parties hereby bind and engage themselves not to grant any favor, privilege, or immunity whatever, in matters of commerce and navigation, to other nations, which shall not be also immediately extended to the citizens of the other contracting party, who shall enjoy the same gratuitously, if the concession shall have been gratuitous, or on giving a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE IV.

No higher or other duties or duties or charges on account of tonnage, light-houses, or harbor dues, pilotage, quarantine, salvage in case of damage or shipwreck, or any other local charges, shall be imposed in any ports of Peru on vessels of the United States of the the burden of two hundred tons and upwards, than those payable in the same burden; nor in any of the ports of the United States by Peruvians vessels of the burden of two hundre tons and upwards, than shall be payable in the same ports by vessels of the United States of the same burden.

ARTICLE V.

All kinds of merchandize and articles of commerce which may be lawfully imported into the ports and territories of either of the high contracting parties in national vessels, may also be so imported in vessels of the other party, without paying other or higher duties and charges of any kind or denomination whatever than if the same merchandize and articles of commerce were imported in national vessels; nor shall any distinction be made in the manner of making payment of the said duties or charges.

It expressly understood that the stipulations in this and the preceding article are to their full extent applicable to the vessels and their cargoes belonging to either of the high contracting parties in the ports and territories of the other, whether the said vessels have cleared directly from the ports of the country to which the appertain or from the ports of any other nations.

ARTICLE VI.

No higher or other duties or charges shall be imposed or levied upon the importation into the ports and territories of either of the high contracting parties of any article the produce, growth, or manufacture of the other party, than are or shall be payable on the like article being the produce, growth, or manufacture of any other country; nor shall any prohibition be imposed upon the importation of any article the produce, growth, or manufacture of either party into the ports or territories of the other which shall not equally extend to all other nations.

ARTICLE VII.

All kinds of merchandize and articles of commerce which may be lawfully exported from the ports and territories of either of the high contracting parties in national vessels, may also be exported in vessels of the other party; and they shall be subject to the same duties only, and be entitled to the same drawbacks, bounties, and allowances, whether the same merchandize and articles of commerce be exported in vessels of one party or in vessels of the other party.

ARTICLE VIII.

No changes or alterations in the tariffs of either of the high contracting parties, *augmenting* the duties payable upon merchandise or articles of commerce of any sort or kind imported into, or exported from their respective ports, shall be held to apply to the commerce or navigation of either party, until the expiration of eight calendar months after the said changes or alterations shall have been promulgated and become a law, unless the law or decree by which such changes or alterations shall be made contain a prospective provision to the same or similar effect.

ARTICLE IX.

It is hereby declared that the stipulations of the present treaty are not to be understood as applying to the navigation and coasting trade between one port and another situated in the territories of either contracting party—the regulation of such navigation and trade being reserved, respectively, by the parties, according to their own separate laws.

Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port open to foreign commerce in the territories of either of the high contracting parties, and to proceed with the remainder of their cargo to any other port or ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outward.

ARTICLE X.

The republic of Peru, desiring to increase the intercourse along its coasts, by means of steam navigation, hereby engages to accord to any citizen or citizens of the United States, who may establish a line of steam-vessels, to navigate regularly between the differt ports of entry within the Peruvian territories, the same privileges of taking in and landing freight, entering the by-ports for the purpose of receiving and landing passengers and their baggage, specie and bullion, carrying the public mails, establishing depots for coal, erecting the necessary machine and workshops for reparing and refitting the steam-vessels, and all other favors enjoyed by any other association or company whatsoever. It is furthermore understood between the two high contracting parties, that the steam-vessels of either shall not be subject in the ports of the other party to any duties of tonnage, harbor, or other similar duties whatsoever, than those that are or may be paid by any other association or company.

ARTICLE XI.

For the better understanding of the preceding articles, and taking into consideration the actual state of the commercial marine of Peru, it is stipulated and agreed that every vessel belonging exclusively to a citizen or citizens of the said republic, and of which the captain is also a citizen of the same, though the construction or the crew is or may be foreign, shall be considered, for all the objects of this treaty, as a Peruvian vessel.

ARTICLE XII.

The whale-ships of the United States shall have access to the port of Tumbez, as well as to the ports of entry in Peru, and may sail from one port to another, for the purposes of refreshment and refitting; and they shall be permitted to sell or barter their supplies or goods including oil, to the amount of two hundred dollars, *ad valorem*, for each vessel, without paying any tonnage or harbor dues, or any duties or imposts upon the articles so sold or bartered. They shall be also permitted, with like exemption from tonnage and harbor dues, further to sell or barter their supplies or goods, including oil, to the additional amount of one thousand dollars, *ad valorem*, for each vessel, upon paying for the said additional articles the same duties as are payable upon like supplies, or goods and oil, when imported in the vessels and by the citizens or subjects of the most favored nation.

ARTICLE XIII.

The merchants, commanders, or masters of vessels, and other citizens, of either contracting party, shall be wholly free to manage their own business and affairs, in all the ports and places within the jurisdiction of the other, or to commit their business and affairs to the management of any person whom they may choose to appoint as agent, factor, consignee, or interpreter. They shall not be restrained in the choice of persons to act in such capacities, or be compelled to pay any salary or remuneration to any one whom they do not wish to employ. Absolute freedom shall be given, as well with respect to the consignment and sale of their merchandise and articles of commerce, as to purchase of their returns, unloading, loading, and sending off their vessels. The buyer and seller shall have full liberty to bargain together and fix the price of any merchandise, or article of commerce, imported into, or to be exported from the territories of either contracting party, the regulations of commerce established in the respective countries being in every case duly observed.

ARTICLE XIV.

Peruvian citizens shall enjoy the some privileges, in frequenting the mines, and digging or working for gold upon the public lands situated in the State of California, as are, or may be hereafter, accorded by the United States of America to the citizens or subjects of the most favored nation.

ARTICLE XV.

The citizens of either of the high contracting parties shall have the full power and liberty to dispose of their personal property and effects, of every kind and description, within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their heir or representatives, being citizens of the other party, succeed to their said personal property and effects, whether by testament or *ad intestate*, and may take possession of the same themselves or by others acting for them, and dispose of the same at pleasure, paying such dues only as the inhabitants of the country wherein said effects may be shall be subject to pay in all like cases. Should the property consist of real estate, and the heirs, on account of their character as aliens, be prevent